IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33637 of 2008
DHARMENDRA KUMAR RAI
Versus
STATE OF BIHAR
With
Cr.Misc. No.23409 of 2008
DHARMENDRA KUMAR RAI
Versus
STATE OF BIHAR
---

2. 4.9.2008 Heard.

The two petitions are on behalf of the only petitioner Dharmendra Kumar Rai. Musri Gharari P.S.Case no.81 of 2007 is under Section 414 IPC and some Sections of the Arms Act. Musri Gharari P.S.Case no. 80 of 2007 is under Section 392 and 412 of the IPC and relates to relieving the informant of his motorcycle by the criminals on gun point. Subsequently, as may appear from the facts of Musri Gharari P.S.Case no.81 of 2007 the police learnt that the criminals had assembled at the house of accused Indrajeet Sahni and they were eating and drinking there. By the time the police arrived the criminals had readied themselves to leave and three criminals were sitting on the motorcycle while Indrajeet Sahni was standing there. Seeing the police party, Indrajeet Sahni ran away. The three sitting on the motorcycle were arrested and this

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petitioner was one of the three and was sitting at the rear part of the seat of the vehicle. That vehicle as indicated above is the subject matter of Musri Gharari P.S.Case no.80 of 2007 under Sections 392 IPC. On search of, the petitioner was found possessing a cartridge in his pocket.

The contention is that out of three persons who were sitting on the motorcycle Mahabir Sah and Lalbabu have been granted bail by different Benches of this court.

As regards this petitioner, the prayer for bail is made on the above ground of other accused getting bail from this court as also on the ground that the recovery of single cartridge may be not true and it could be a case of transplantation.

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The court is not concerned about the recovery of a single cartridge, it could be inconsequential, when the court considers the entire facts of the two FIRs in tandem and simultaneously. Being found very much sitting on the seat of the vehicle, which was snatched from the informant, could be sufficient pointer to the petitioner's illegal possession and

participation in committing the robbery and considering that the prayer for bail of the above named petitioner is dismissed in Musri Gharari P.S.Case no.80 of 2007 and as such also in Musri Gharari P.S.Case no.81 of 2007.

(Dharnidhar Jha, J.)

B.Kr.

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